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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Argentina, Australia,* Austria, Belgium,* Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Croatia,* Cuba, Cyprus,* Denmark,* Djibouti,* Ecuador,* Egypt,* El Salvador,* Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Latvia,* Lithuania,* Maldives, Mexico, Montenegro, New Zealand,* Norway,* Panama,* Paraguay,* Peru, Portugal,* San Marino,* Senegal,* Serbia,* Slovakia,* Slovenia,* Spain,* Sudan,* Sweden,* Thailand,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* United States of America, United Kingdom of Great Britain and Northern Ireland, Uruguay,* Venezuela (Bolivarian Republic of): draft resolution

25/... The right to education of persons with disabilities

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 22/3 of 21 March 2013, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Rights of Migrant Workers and Members of Their Families, and, most

* Non-member State of the Human Rights Council.

recently with regard to persons with disabilities, in the Convention on the Rights of Persons with Disabilities, and other relevant international instruments,

Recalling in particular that article 24 of the Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to education, and provides that, with a view to realizing this right without discrimination and on the basis of equal opportunity, States parties shall ensure an inclusive education system at all levels and lifelong learning,

Recalling relevant guidelines of the United Nations Educational, Scientific and Cultural Organization, such as the Guidelines for Inclusion: Ensuring access to Education for All of 2005,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to education without discrimination and on the basis of equal opportunity,

Deeply concerned at the violence, stigmatization and discrimination faced by persons with disabilities, which leads to their exclusion and hinders and often prevents their access to education,

Deeply concerned also that girls and women of all ages with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, including in the context of realizing their right to education without discrimination and on the basis of equal opportunity,

Emphasizing that the equal realization of the right to education of persons with disabilities is fundamental for their social and economic inclusion, and full participation in society,

Acknowledging that inclusive education benefits all children and society by celebrating diversity, promoting equality and participation for all and countering exclusion, stigmatization and discrimination,

Recognizing the need to build awareness among all persons, including persons with disabilities, their families, teachers, social workers, students, communities and all those involved in education systems, of the right of persons with disabilities to education without discrimination and on the basis of equal opportunity,

Concerned at the lack of data, research and statistics on the education of persons with disabilities, including women and indigenous persons, and its negative impact on effective and equitable policymaking,

Welcoming the high-level meeting of the General Assembly held on 23 September 2013 on disability and development and its outcome document, in which the Assembly stressed the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development, and encouraged the international community to seize every opportunity to include disability as a cross-cutting issue in the global development agenda, to give due consideration to all persons with disabilities in the emerging post-2015 development agenda of the United Nations, with a view to enhancing cooperation, and to provide relevant technical assistance to Member States upon their request,

Reaffirming the commitment in the above-mentioned outcome document to recognize, inter alia, the right to education on the basis of equal opportunity and non-discrimination by ensuring that all children have equal opportunity for access to an inclusive education system of good quality, and notes the recognition in the outcome document that promoting access to inclusive education systems supports equal access to full and productive employment and decent work on the same terms,

Recognizing the need to strengthen further the process of developing inclusive education systems, including by giving due consideration to inclusive education in the process of the elaboration of the post-2015 development agenda,

Underlining the importance of consulting closely with and actively involving persons with disabilities and their representative organizations in the process of the elaboration of the emerging post-2015 development agenda of the United Nations,

Welcoming the appointment of the Special Envoy of the Secretary-General on Disability and Accessibility, and encouraging him to consult closely with States, relevant United Nations entities, persons with disabilities and their representative organizations and all other relevant stakeholders in carrying out his work,

Noting the expiry of the mandate of the Special Rapporteur on Disability of the Commission on Social Development on 31 December 2014 and the Commission's decision to consider the possibility, at its fifty-third session, of another monitoring mechanism, with a view to strengthening the mainstreaming of disability in social development,

1. *Welcomes* the fact that, to date, 158 States have signed and 141 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 79 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the right of persons with disabilities to education prepared by the Office of the United Nations High Commissioner for Human Rights,[1] and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States to ensure free birth registration for persons with disabilities, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind;

5. *Urges* States to take effective measures to address and prevent all forms of violence and bullying against persons with disabilities, in particular in and around schools, other learning facilities and the community, including by putting in place inclusive and effective child protection measures that have adequate links to schools;

6. *Also urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities and to promote gender equality, in order to ensure their full participation and equal enjoyment of their rights, in particular in the field of education;

7. *Calls upon* States that are not yet party to the Convention on the Rights of Persons with Disabilities to ensure that persons with disabilities can effectively and fully enjoy the right to education without discrimination and on the basis of equal opportunity, and encourages them to transition to an inclusive education system, to enrol new students to such a system and to provide opportunities for life-long learning, taking into account and respecting the unique needs of different disability constituencies;

[1] A/HRC/25/29.

8. *Calls upon* States parties to adopt and implement appropriate measures, including legislative measures, to ensure that persons with disabilities enjoy the right to education without discrimination and on the basis of equal opportunity by ensuring an inclusive education system at all levels and life-long learning, in accordance with the Convention, and urges States parties in furtherance of this objective to, inter alia:

(*a*) Make primary education compulsory and available free to all children;

(*b*) Adopt inclusive education laws and policies that prohibit rejection from the general education system on the basis of disability and guarantee continuity in education on an equal basis;

(*c*) Modify or abolish laws and policies that discriminate against or have the effect of excluding students from the general education system on the basis of disability;

(*d*) Accommodate the different needs and ways of learning of all students and by taking a student-centred approach;

(*e*) Ensure reasonable accommodation of the individual's requirements, providing the support required, within the general education system, to facilitate their effective education, as well as provide effective individualized support measures in environments that maximize academic and societal development, consistent with the goal of full inclusion, including by allocating sustained and adequate financial resources;

(*f*) Recognize, promote and facilitate the use of sign languages and other appropriate modes and means of communication for the individual that maximize academic and social development and participation, in accordance with article 24, pragraph 3 of the Convention on the Rights of Persons with Disabilities;

(*g*) Adopt positive and other measures to include persons with disabilities in general tertiary education, vocational training, general adult education and continuing education programmes and funding opportunities, particularly for those who have been excluded from primary and secondary education, without discrimination and on an equal basis with others;

9. *Encourages* States and relevant institutions to provide ongoing professional training, teacher qualification programmes and capacity-building for education personnel on inclusive education, training for sign language teachers and interpreters, and teacher training for persons with disabilities;

10. *Urges* States to take measures to eliminate accessibility barriers to education, including those related to physical, linguistic, communication, sensory, technology, transportation and information access, including in remote, isolated or rural areas;

11. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to education to pay due attention to universal design and to universal design for learning, which requires consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specific design;

12. *Urges* States to consult closely with and actively involve persons with disabilities and their representative organizations in designing, implementing, evaluating and monitoring policies and programmes relating to educational matters;

13. *Encourages* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including disability-specific and gender-specific statistical and research data, to enable the formulation and implementation of inclusive education policies;

14. *Also encourages* States to develop measurable goals on inclusive quality education and to promote their monitoring through indicators, including disability-specific indicators;

15. *Further encourages* States to create or strengthen relevant monitoring or complaint mechanisms that, inter alia, promote, protect and monitor the implementation of the right to education for persons with disabilities;

16. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including the right to education of persons with disabilities without discrimination and on the basis of equal opportunity, and in this regard encourages the mobilization of public and private resources on a sustainable basis to mainstream disability in development at all levels, and underlines the need to promote and strengthen international cooperation at all levels, the exchange of good practices and partnerships for disability-inclusive development;

17. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

18. *Encourages* States and intergovernmental organizations to consider becoming party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

19. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9 of 27 March 2008, and invites States to consider the possibility of establishing a special procedure mandate on the rights of persons with disabilities within 2014;

20. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-eighth session, from within existing resources, and that it will focus on article 19 of the Convention on the Rights of Persons with Disabilities on living independently and being included in the community, and will have international sign interpretation and captioning;

21. *Requests* the Office of the High Commissioner to prepare its annual study on the rights of persons with disabilities on article 19 of the Convention on living independently and being included in the community, from within existing resources and in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on Disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the twenty-eighth session of the Human Rights Council;

22. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 20 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Invites* the Conference of State Parties to the Convention on the Rights of Persons with Disabilities to consider the discussion of article 19 of the Convention on living independently and being included in the community, according to its mandate;

25. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.